UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,682	10/31/2001	Akihiro Yoshitani	CANO:039	2566

7590 02/22/2006

ROSSI & ASSOCIATES
P.O. Box 826
Ashburn, VA 20146-0826

EXAMINER	
HUNTSINGER, PETER K	
ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/016,682	YOSHITANI ET AL.	
	Examiner	Art Unit	
	Peter K. Huntsinger	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/9/05 have been fully considered but they are not persuasive.

On pages 7 and 8, referring to claims 1, 15, and 16, the applicant argues in essence that:

Misawa et al. do not teach altering the image size based on the type of transmission selected.

a. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., altering the image size) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The image data processed by the processor can be considered to have a predetermined size because the size of the image data is determined before the image data is processed (s04 of Fig. 7, col. 5, lines 9-11).

On page 8, referring to claims 7, 17, and 18, the applicant argues in essence that:

Kim does not teach enlarging the image data to a predetermined size.

b. Kim discloses enlarging image data to a predetermined size (col. 5, lines 31-37). Data is added to the image data to correspond to a document size.

Misawa et al. would have taught away from preprocessing the input image data based on the image size since Misawa et al. explicitly calls for using the image size to select the transmission type.

c. Misawa et al. disclose sending image data by facsimile or by email based on image size (col. 8, lines 10-21). Kim teaches that when image data is to be transmitted by facsimile and when image data is smaller than a predetermined size, data is added to the image data to correspond to a document size (col. 5, lines 31-37). The determination of whether facsimile or email is used is based on the image data size of the scanned document. If facsimile is selected, data is added such that the size of the image data becomes equal to a predetermined size.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Misawa et al. U.S. Patent 6,771,382.

Referring to claims 1,15, and 16, Misawa et al. disclose an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising: an inputter arranged to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35); a processor arranged to process the image data input by said inputter in a manner such that the image represented by the image data has a predetermined size (facsimile transmission unit 14 of Fig. 1, col. 3, lines 19-35); a first producer arranged to produce data for transmission by facsimile based on the image data input by said inputter (facsimile unit 80 of Fig. 1, col. 3, lines 19-35); a second producer arranged to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35); and a controller arranged to control said first and second producers in a manner such that when the data for transmission by facsimile is produced by said first producer, the data for transmission by facsimile is produced after the image data input by said inputter is processed by said processor, and when the data for transmission by electronic mail is produced by said second producer, the data for transmission by electronic mail is produced without the image data input by said inputter being processed by said processor (col. 8, lines 10-21).

Referring to claim 2, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said inputter inputs the image data from a reader which

reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to claim 3, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said inputter inputs the image data from a detachable memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa et al. disclose that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to claim 6, Misawa et al. disclose an image processing apparatus according to claim 1, wherein said controller restricts operations of said first and second producers according to a predetermined condition (S16 of Fig. 4, col. 5, lines 16-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 7-12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. U.S. Patent 6,771,382 as applied to claim 1 above, and further in view of Kim U.S. Patent 6,268,937.

Referring to claim 4, Misawa et al. disclose an image processing apparatus but do not disclose expressly adding white pixels to the image to have a predetermined size. Kim discloses adding white pixels thereto so as for the image represented by the image data to have a predetermined size (col. 3, lines 58-63). Misawa et al. and Kim are combinable because they are from the same field of facsimile communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined size. The motivation for doing so would have been compensate for the difference between the original image size and the transmission size. Therefore, it would have been obvious to combine Kim with Misawa et al. to obtain the invention as specified in claim 4.

Referring to claims 7, 17, and 18, Misawa et al. disclose an image processing apparatus (composite communication apparatus 10 of Fig. 1, col. 3, lines 19-35) comprising: an inputter arranged to input image data representing an image (image reading unit 15 of Fig. 1, col. 3, lines 19-35); a first producer arranged to produce data for transmission by facsimile based on the image data input by said inputter (facsimile transmission unit 14 of Fig. 1, col. 3, lines 19-35); a second producer arranged to produce data for transmission by electronic mail based on the image data input by said inputter (email transmission unit 17 of Fig. 1, col. 3, lines 19-35); and a controller arranged to control a process to be performed on the image data input by said inputter before the image data is supplied to said first producer or said second producer, according to a size of the image represented by the image data input by said inputter (col. 8, lines 10-21). Misawa et al. do not disclose expressly increasing the size of the

image data. Kim discloses wherein when the size of the image represented by the image data input by said inputter is smaller than a predetermined size and the image data input by said inputter is to be transmitted by facsimile, said controller supplies the image data input by said inputter to said first producer after processing the image data input by said inputter such that alters the image data prior to facsimile transmission (col. 3, lines 58-63). Misawa et al. and Kim are combinable because they are from the same field of facsimile communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add white pixels to an image to reach a predetermined size. The motivation for doing so would have been compensate for the difference between the original image size and the transmission size. Therefore, it would have been obvious to combine Kim with Misawa et al. to obtain the invention as specified in claims 7, 17, and 18.

Referring to claim 8, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said inputter inputs the image data from a reader which reads the image and generates the image data based on the image (image reading unit 15 of Fig. 1, col. 3, lines 19-35).

Referring to claim 9, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said inputter inputs the image data from a detachable memory (image reading unit 15 of Fig. 1, col. 3, lines 19-35). Misawa et al. disclose that the scanner can be separate from the composite communication apparatus (col. 7, lines 31-52). It is inherent that the scanner has memory for receiving image data. The

scanner can be detached from the system because it is a separate device, therefore the image reading unit 15 is a detachable memory.

Referring to claim 10, Kim discloses wherein the processor alters the image data such that the size of the image represented by the image data input by said inputter becomes equal to the predetermined size (col. 3, lines 58-63).

Referring to claim 11, Misawa et al. disclose an image processing apparatus according to claim 7, wherein when the image data input by said inputter is to be transmitted by electronic mail, said controller causes said second producer to produce a file corresponding to the size of the image represented by the image data input by said inputter (col. 5, lines 16-21).

Referring to claim 12, Misawa et al. disclose an image processing apparatus according to claim 11, wherein when the image data input by said inputter to be transmitted by electronic mail is set as the file having a predetermined size, said controller causes said second producer to produce the file having the predetermined size irrespective of the size of the image represented by the image data input by said inputter (S62 of Fig. 6, col. 6, lines 34-39).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. U.S. Patent 6,771,382 as applied to claim 1 above, and further in view of Morigami U.S. Patent 6,057,934.

Referring to claim 5, Misawa et al. disclose wherein said controller controls said first producer and said second producer. Misawa et al. do not disclose expressly using

different gamma values for producing the data. Morigami discloses different gamma values in producing data for facsimile and monitors (col. 9, lines 65-67). Misawa et al. and Morigami are combinable because they are from the same field of image processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to produce an image for facsimile transmission with a different gamma value than producing an image for email. The motivation for doing so would have been to utilize typical gamma values in producing the images to obtain accurate images. Therefore, it would have been obvious to combine Morigami with Misawa et al. to obtain the invention as specified in claim 5.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa et al. U.S. Patent 6,771,382.

Referring to claim 13, Misawa et al. disclose an image processing apparatus according to claim 7, wherein said controller inhibits supply of the image data input by said inputter to said first and second producers (S61 and S81 of Fig. 6, col. 6, lines 30-32, 54-56). Misawa et al. do not disclose expressly inputting a color image. Official Notice is taken that it is well known to a person of ordinary skill in the art to input, fax, and email a color image (See MPEP 144.03). The motivation for doing so would have been to allow transmitting more vibrant images through email and fax.

Referring to claim 14, Misawa et al. disclose an image processing apparatus according to claim 13, wherein the image represented by the image data input by said inputter is a size smaller than a predetermined size, said controller permits supply of the

image data input by said inputter to said first and second producers (S61 and S81 of Fig. 6, col. 6, lines 30-32, 54-56). Misawa et al. do not disclose expressly inputting a color image. Official Notice is taken that it is well known to a person of ordinary skill in the art to input, fax, and email a color image (See MPEP 144.03). The motivation for doing so would have been to allow transmitting more vibrant images through email and fax.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PKH

KING Y. POON
PRIMARY EXAMINER